

ATTACHMENT A



U. S. Department of Housing and Urban Development
Washington, D. C. 20410-0500

December 16, 1991

OFFICE OF GENERAL COUNSEL

MEMORANDUM FOR: Gordon Mansfield, Assistant Secretary for Fair
Housing and Equal Opportunity, E

FROM: Frank Keating, General Counsel, G

SUBJECT: Carriage House Units

You have inquired about the application of the accessibility requirements under the Fair Housing Amendments Act ("Act") to carriage house unit designs.

In the examples which you provided, stacked housing units are designed to incorporate parking for each unit into the dwelling unit design in non-elevator buildings. Specifically, you have indicated that the garage footprint is used as the footprint for the remaining floor or floors of the units.

Since these carriage houses are located in buildings without elevators, the remaining question is whether they are ground floor units. See Section 804(f)(7) of the Act.

The Preamble to the regulations implementing the Act discusses the applicability of the Act to townhouses. Because the accessibility provisions of the Act "extend only to ground floor units in buildings without elevators," and a townhouse of more than one story is not a ground floor unit, multistory townhouses were not required to be made accessible in buildings where there was no elevator. 24 CFR Ch. 1, Subch. A., App. 1, P. 702 (1991).

Because this carriage house design does not include the entire dwelling unit on the ground floor, it is not a covered multifamily dwelling within the meaning of the Act.